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 Chris Daniel - District Clerk Harris County
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 By: CANDICE ARNOLD

CAUSE NO. 2012 - 27197

MOKARAM-LATIF WEST LOOP, LTD.,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
v.	§	
	§	
ALI CHOUDHRI,	§	
Defendant, Cross-Plaintiff,	§	
	§	
v.	§	
	§	
ANGEL VALLE,	§	HARRIS COUNTY, TEXAS
	§	
Defendant,	§	
	§	
v.	§	
	§	
OSAMA ABDULLATIF,	§	
	§	
Cross-Defendant,	§	
	§	
v.	§	
	§	
ALI MOKARAM,	§	
Intervenor, Cross-Defendant.	§	190th JUDICIAL DISTRICT

ORDER GRANTING ALI MOKARAM'S FIFTH MOTION FOR SANCTIONS

On April 22, 2014 Ali Mokaram ("Mokaram") filed his Fifth Motion for Sanctions seeking reimbursement for reasonable and necessary attorney fees he incurred as the result of the dilatory tactics used by Ali Choudhri, and his attorneys, collectively ("Choudhri") to obstruct the discovery of his personal tax returns and those of Texas Reit, L.L.C., a Choudhri controlled entity. Mokaram's Motion is granted.

Judge Kerrigan ordered the production of the tax returns from Choudhri on October 2, 2012. The production of the tax returns of Choudhri and Texas Reit became a case study in obstructionist conduct. Mokaram's Fifth Motion for Sanctions provides a fair delineation of the measures Mokaram's counsel undertook to enforce Judge Kerrigan's order. This order granting sanctions attaches Mokaram's timeline contained in his Motion as Exhibit A and incorporates it herein for the purpose of providing a description of the struggle to obtain the production of the previously compelled documents.

Furthermore, Mokaram subpoenaed the records from and took the deposition of Choudhri's tax accountant Juan Frias. Juan Frias was produced as a person who could provide insight into the accounting and tax records for Choudhri and Texas Reit.

Mr. Frias is the owner of Houston Tax Consultants which purportedly prepared the tax returns for Choudhri and Texas Reit for several years. Mr. Frias was either unable or unwilling to provide any insight into either the preparation or filing of Choudhri's tax returns or the inconsistencies in the QuickBooks accounting records for Texas Reit. The deposition of Juan Frias was in the literal sense, a waste of time.

The conduct of Choudhri did cause delay and additional expense, including attorney' fees and costs, and is sanctionable under Chapter 10 of the Texas Civil Practice and Remedies Code and Rules 13 and 215 of the Texas Rules of Civil Procedure. Scott Funk, counsel for Mokaram, has provided a redacted copy of his firm's billing records which document the hours expended and the concomitant hourly rate of those providing legal services on behalf of Mokaram in their effort to procure a copy of the relevant tax and accounting information (*See Exhibit B*).

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Mr. Funk was very conservative in segregating the time he attributed to the obstructionist conduct of Choudhri. Additionally, the recalcitrance of Choudhri necessitated the retention of an independent accounting firm to submit the signed tax forms for all the parties to the Internal Revenue Service. This protocol resulted in additional fees of approximately four thousand dollars (\$4,000.00).

The imposition of sanctions is directly related to the offensive conduct. This Order granting Sanctions is calculated to deter further discovery abuses. Furthermore, it is the opinion of the special Master that if counsel for Choudhri was the impetus for the dilatory tactics, Choudhri was unquestionably aware of these acts of non-compliance.

For the reasons stated above, Choudhri shall pay as Sanctions to Mokaram to reimburse him for his attorney fees and costs the sum of \$11,657.50 (eleven thousand six hundred fifty seven and .050/00.) no later than July 23, 2014.

I am hopeful this order will serve the purpose to ensure compliance as discovery continues in this case.

Respectfully submitted,



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Special Master
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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2014, a true and correct copy of the above and foregoing document has been served upon all parties to this case, pursuant to Texas Rules of Civil Procedure.

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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date. Witness my official hand and seal of office this September 17, 2014

Certified Document Number: 61646895 Total Pages: 4

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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